

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 27, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 20, 2006.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on June 20, 2006. Stevens, Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

(Commissioner Hudkins entered the hearing room at 9:31 a.m..)

- 2) **CLAIMS: Approval of all claims processed through Tuesday, June 27, 2006.**

MOTION: Workman moved and Stevens seconded approval of all claims processed through June 27, 2006. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **OLD BUSINESS:**

A. County Change of Zone No. 04053, from AG Agricultural District to AGR Agricultural Residential District, requested by Mark Hunzeker on behalf of Wapiti Enterprises, Inc., on property generally located at the southeast corner of Southwest 40th Street and Rokeby Road, Lancaster County, Nebraska.

Mark Hunzeker, attorney representing Wapiti Enterprises, Inc., indicated they have applied for preliminary plat, however, the City has annexed part of the property. He said there is now a question as to whether the County can re-zone the entire 30 acres. Hunzeker referred to a site map (Exhibit 1) and reiterated that it is not their intent to utilize the full density of the AGR district. He requested that the Board consider rezoning the property as AGR contingent upon a plat with no more than six lots on the 30 acres.

In response to a question asked by Heier, Hunzeker indicated the largest lot is 5.27 acres and the smallest lot is 3.77 acres.

Schorr asked if the resolution pertained to a change of zone on the entire 30 acres.

Kristy Mundt, Deputy County Attorney, stated the resolution was for the entire 30 acres. She stated the annexation is effective as of June 27th, 2006 and added that it was their opinion, as well as the opinion of the City Attorney's Office, that the County no longer has jurisdiction over the portion which was annexed, effective June 27th. That portion annexed would now be within the three-mile jurisdiction. Mundt stated they would likely amend the resolution to include the action taken by the County Board and that they would also include language making it subject to that portion which lies within the jurisdiction of the County.

Hunzeker concurred.

MOTION: Workman moved and Stevens seconded denial of County Change of Zone No. 04053.

Workman stated it is his opinion that the County Board would be sending a clear signal that the County is willing to rezone hundreds of small parcels within the County and that it would drastically increase the density set forth by the Comprehensive Plan.

3) **OLD BUSINESS CONTINUED:**

Stevens stated he was reluctant to approve the portion which would be within the County's jurisdiction prior to receiving input from Planning staff, the Planning Commission and the City of Lincoln.

Heier indicated he would like a written opinion, with supporting evidence, from the County Attorney's Office. He asked if the change of zone application took precedence over the annexation.

ROLL CALL: Workman voted yes. Heier, Hudkins, Stevens and Schorr voted no. Motion failed.

V. A resolution in the matter County Change of Zone No. 04053 requesting a change of zone for property generally located at the southeast corner of Southwest 40th Street and Rokeby Road from AG Agricultural to AGR Agricultural Residential. (R-06-0064)

MOTION: Hudkins moved and Heier seconded approval of Resolution 06-0064 in the matter County Change of Zone No. 04053 requesting a change of zone for property generally located at the southeast corner of Southwest 40th Street and Rokeby Road from AG Agricultural to AGR Agricultural Residential. Hudkins, Heier and Schorr voted yes. Workman and Stevens voted no. Motion carried.

4) **NEW BUSINESS:**

A. Application for a Special Designated License from K-SARA Enterprises, Inc. d/b/a Kevin Meier Imports to provide liquor beverage service for a post-race festival following Footstock, a ten kilometer race, being held as a part of the Cornhusker State Games on Friday, July 21, 2006. The festival will operate from 5 p.m. to 1 a.m. and will be held in the Village of Walton.

MOTION: Stevens moved and Heier seconded approval of a Special Designated License from K-SARA Enterprises, Inc. d/b/a Kevin Meier Imports to provide liquor beverage service for a post-race festival following Footstock, a ten kilometer race, being held as a part of the Cornhusker State Games on Friday, July 21, 2006. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- B. Application for a Special Designated License from Denton Daily Double Inc., located at 7230 Lancaster Street, Denton, Nebraska to provide liquor beverage service for a wedding reception on Saturday, July 1, 2006 from 12 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams, Lincoln, Lancaster County, Nebraska.**

In response to a question asked by Hudkins, Sharon Thayer, applicant, stated she had not taken the hospitality course, however, she would be willing to enroll in the course.

MOTION: Stevens moved and Heier seconded approval of an application for a Special Designated License from Denton Daily Double Inc., located at 7230 Lancaster Street, Denton, Nebraska to provide liquor beverage service for a wedding reception on Saturday, July 1, 2006 from 12 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams, Lincoln, Lancaster County, Nebraska. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

- C. An application for a Special Designated License from Whitehorse Bar & Grill, located at 218 Main Street, Johnson, Nebraska to provide liquor beverage service for a wedding reception on Friday, July 21, 2006 from 5 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.**

MOTION: Stevens moved and Heier seconded approval of an application for a Special Designated License from Whitehorse Bar & Grill, located at 218 Main Street, Johnson, Nebraska to provide liquor beverage service for a wedding reception on Friday, July 21, 2006 from 5 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

- D. A program resolution with the State of Nebraska, Department of Roads for replacement of object markers at various bridges within Lancaster County; Project STPP-STWD(67). There will be no cost to the County. (R-06-0061)**

4) **NEW BUSINESS CONTINUED:**

Don Thomas, County Engineer, gave a brief overview of the resolution.

MOTION: Hudkins moved and Workman seconded approval of a program resolution with the State of Nebraska, Department of Roads for replacement of object markers at various bridges within Lancaster County; Project STPP-STWD(67). Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

E. A program resolution with the State of Nebraska, Department of Roads for replacement of Lancaster County Bridge No. H-46, located on Fletcher Avenue between North 162nd Street and North 176th Street. The County's estimated share of the cost is \$271,800. (R-06-0062)

Thomas explained \$271,800 is the total cost of the project with the County's share to be approximately 15 to 20 percent of that total.

MOTION: Stevens moved and Hudkins seconded approval of a program resolution with the State of Nebraska, Department of Roads for replacement of Lancaster County Bridge No. H-46, located on Fletcher Avenue between North 162nd Street and North 176th Street. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

F. A program resolution with the State of Nebraska, Department of Roads for replacement of Lancaster County Bridge No. M-127, located on Northwest 98th Street between West Holdrege Street and West "O" Street. The County's estimated share of the cost is \$518,000. (R-06-0063)

Thomas explained \$518,000 is the total amount of the project with the County's share to be approximately 15 to 20 percent of that total.

MOTION: Heier moved and Hudkins seconded approval of a program resolution with the State of Nebraska, Department of Roads for replacement of Lancaster County Bridge No. M-127, located on Northwest 98th Street between West Holdrege Street and West "O" Street. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

G. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the HUB Project, a central access point for young adults. The County will receive \$150,690, of which \$88,779 is the County's match share. Term of the grant award is July 1, 2006 to June 30, 2007. (C-06-0372)

MOTION: Workman moved and Stevens seconded approval of the acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the HUB Project, a central access point for young adults. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

H. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Skills & Asset Building in Juvenile Justice Programs. The County will receive \$44,365, of which \$14,365 is the County's match share. Term of the grant award is July 1, 2006 to June 30, 2007. (C-06-0373)

MOTION: Heier moved and Stevens seconded approval of the acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Skills & Asset Building in Juvenile Justice Programs. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

I. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Project Here to Overcome H2O. The County will receive \$42,781, of which \$12,781 is the County's match share. Term of the grant award is July 1, 2006 to June 30, 2007. (C-06-0374)

MOTION: Stevens moved and Workman seconded approval of the acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Project Here to Overcome H2O. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

J. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Project Positive Choices: Lincoln High's Anger Management Program. The County will receive \$12,214. Term of the grant award is July 1, 2006 to June 30, 2007. (C-06-0375)

4) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of the acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Project Positive Choices: Lincoln High's Anger Management Program. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

K. An agreement with BryanLGH Medical Center, for and on behalf of its Independence Center, for non-physician substance abuse treatment services for adolescents placed in the Lancaster County Juvenile Drug Court. Term of the agreement is July 1, 2006 through June 30, 2007. The County will pay up to \$30,000 for such services. (C-06-0376)

MOTION: Hudkins moved and Stevens seconded approval of an agreement with BryanLGH Medical Center, for and on behalf of its Independence Center, for non-physician substance abuse treatment services for adolescents placed in the Lancaster County Juvenile Drug Court. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

L. An agreement with Cedars Youth Services for tracker services for adolescents placed in the Lancaster County Juvenile Drug Court. Term of the agreement is July 1, 2006 through June 30, 2007. The County will pay up to \$28,000 for the services. (C-06-0377)

MOTION: Heier moved and Stevens seconded approval of an agreement with Cedars Youth Services for tracker services for adolescents placed in the Lancaster County Juvenile Drug Court. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

M. An agreement with Sandra Findley for substance abuse education intervention classes to participants in the pretrial release program. The County will pay up to \$11,200 for the services. Term of the agreement is July 1, 2006 through June 30, 2007. (C-06-0378)

MOTION: Stevens moved and Workman seconded approval of an agreement with Sandra Findley for substance abuse education intervention classes to participants in the pretrial release program. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

4) NEW BUSINESS CONTINUED:

N. An agreement with the State of Nebraska Probation Administration (Department) for the services of a drug technician to expedite juvenile drug testing results ordered by the Separate Juvenile Court of Lancaster County. Term of the agreement is July 1, 2006 through June 30, 2007. The County will pay \$5,956 for such services. (C-06-0379)

MOTION: Hudkins moved and Heier seconded approval of an agreement with the State of Nebraska Probation Administration (Department) for the services of a drug technician to expedite juvenile drug testing results ordered by the Separate Juvenile Court of Lancaster County. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

O. An interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Term of the agreement is July 1, 2006 to June 30, 2007. The County will pay up to \$125,735 for the services. (C-06-0387)

MOTION: Stevens moved and Workman seconded approval of an interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

P. Agreements with the following facilities to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and the facilities will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contains a 30-day termination provision.

4) **NEW BUSINESS CONTINUED:**

Advanced Medical Imaging, L.L.C. (C-06-0388)	Nebraska Pain Consultants (C-06-0391)
Dr. John P. Lange (C-06-0389)	Pharmacy Speciality Services (C-06-0392)
Nebraska Orthopedic/Sports Medicine (C-06-0390)	Radiology Associates, P.C. (C-06-0393)
	St. Elizabeth Physician Network (C-06-0394)

MOTION: Hudkins moved and Stevens seconded approval of agreements with Advanced Medical Imaging, L.L.C., Dr. John P. Lange, Nebraska Orthopedic/Sports Medicine, Nebraska Pain Consultants, Pharmacy Speciality Services, Radiology Associates, P.C. and St. Elizabeth Physician Network to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

Q. A change order/supplemental agreement with L.J. Webb Contractor, Inc., in the amount of \$5,255, for culvert replacement and maintenance for Structure No. C-19 located near North 14th Street just south of Branched Oak Road; Project No. 06-26. (C-06-0395)

MOTION: Hudkins moved and Stevens seconded approval of a change order/supplemental agreement with L.J. Webb Contractor, Inc., in the amount of \$5,255, for culvert replacement and maintenance for Structure No. C-19 located near North 14th Street just south of Branched Oak Road; Project No. 06-26. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

R. Request from the Southeast Rural Fire Department to reschedule the closure of "A" Street between 112th and 120th Streets to through traffic on Saturday, July 8, 2006 from approximately 8 a.m. through mid-afternoon. The closure is requested to conduct a live training exercise at 118th and "A" Streets.

MOTION: Heier moved and Stevens seconded approval of a request from the Southeast Rural Fire Department to reschedule the closure of "A" Street between 112th and 120th Streets to through traffic on Saturday, July 8, 2006 from approximately 8 a.m. through mid-afternoon. The closure is requested to conduct a live training exercise at 118th and "A" Streets.

4) **NEW BUSINESS CONTINUED:**

In response to a question asked by Hudkins, Lynn Reifschneider, Southeast Rural Fire Department, stated the permits are in the process of being rescheduled for July 8, 2006. He added if they proceed with the burn on the 8th of July the owners will have sufficient time to clean the property up by July 21, 2006 when the post-festival event for Footstock will be held.

ROLL CALL: Stevens, Heier and Schorr voted aye. Workman and Hudkins voted no. Motion carried.

S. Appointment of William Bowman to the Veterans Service Committee for a five year term, beginning July 1, 2006.

MOTION: Stevens moved and Heier seconded approval of the appointment of William Bowman to the Veterans Service Committee for a five year term, beginning July 1, 2006. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

T. Reappointment of Patricia A. Owen, Rita Cox and Michelle Zuhlke to the Government Access and Information Committee (GAIC) for one year terms, expiring on January 1, 2007.

MOTION: Stevens moved and Heier seconded approval of the reappointment of Patricia A. Owen, Rita Cox and Michelle Zuhlke to the Government Access and Information Committee (GAIC) for one year terms, expiring on January 1, 2007. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

U. A political subdivision tort claim filed against Lancaster Manor by George Hasik for lost property, in the amount of \$151.

MOTION: Heier moved and Workman seconded to accept the recommendation of the Lancaster Manor Administrator to deny a political subdivision tort claim filed against Lancaster Manor by George Hasik for lost property, in the amount of \$151. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- V. A resolution in the matter County Change of Zone No. 04053 requesting a change of zone for property generally located at the southeast corner of Southwest 40th Street and Rokeby Road from AG Agricultural to AGR Agricultural Residential. (R-06-0064)

Item moved forward on the agenda.

- 5) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. **Receive and Place on File:**

1. **Weed Control Authority's Monthly Report for May, 2006.**
2. **Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for May, 2006.**

B. **Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:**

- ▶ **Nelma Hawthorn, in the amount of \$660, east of Northwest 27th Street and Alvo Road; Project C-F-282. (C-06-0380)**
- ▶ **Leone Spencer Harlan, Trustee, in the total amount of \$4,809.30, at Southwest 2nd Street and Panama Road; Project C55-W-403(2). (3 contracts) (C-06-0381 through C-06-0383)**
- ▶ **Arlo Stahly, in the total amount of \$1,666, on South 82nd Street from Panama Road to Hickman Road; Project C55-SX-404(2). (3 contracts) (C-06-0384 through C-06-086)**

MOTION: Stevens moved and Workman seconded approval of the Consent Items. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 10:26 a.m.. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 27, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Rob Ogden, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 10:36 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 20, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on June 20, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 7 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **NOTICE OF ASSESSED VALUATION CHANGE FOR 2006 FOR THE FOLLOWING:**

Robert L. Shumaker, Trustee
Arlin Nisley, Trustee
Dolores Nisley, Trustee
Stone Bridge Creek, L.L.C.

Rob Ogden, Deputy County Assessor/Register of Deeds, gave a brief explanation regarding the notices indicating the property owners have 30 days to protest the valuation after receipt of the notice.

MOTION: Stevens moved and Hudkins seconded to accept the recommendation of the Deputy County Assessor/Register of Deeds to send notices of assessed valuation change for property taxation purposes as listed. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Hudkins moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:30 a.m.. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk